

## ORDINANCE NUMBER 732-A

AN ORDINANCE RELATING TO THE GROWTH MANAGEMENT ACT; ADOPTING A UNIFIED DEVELOPMENT ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Washington Growth Management Act requires that counties and cities create a unified development ordinance which compiles and organizes all city development regulations and standards in one code; and

WHEREAS, the Public Works Trust Fund requires that all applicants have adopted a GMA Comp Plan and Unified Development Ordinance; and

WHEREAS, the State Department of Health have notified the City of Long Beach that additional finished water storage capacity is necessary for the health, safety and welfare of the citizens; and

WHEREAS, the City of Long Beach desires to comply with the Growth Management Act; and

WHEREAS, the adoption of the Unified Development Ordinance is deemed necessary to provide access to funds for essential public services:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON:

### **Section 1. Adoption.**

The Unified Development Ordinance, attached hereto, is hereby adopted.

### **Section 2. Severability.**

If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance, or the application of the provision to other persons or circumstances is not affected.

### **Section 3. Repeal of conflicting ordinances**

All existing Ordinances are hereby repealed insofar as they may be in conflict with this ordinance.

### **Section 4. Effective Date.**

This Ordinance shall be in full force and effect five days from and after its passage, approval, and publication in the manner required by law.

Passed this \_\_\_\_ day of, 1999.

AYES \_\_\_\_

NAYS \_\_\_\_

ABSENT \_\_\_\_

ATTEST:

\_\_\_\_\_  
Mayor Ken Ramsey

\_\_\_\_\_  
Clerk

**Part I**  
**General**

**Chapters:**

- 15.02 General Provisions
- 15.04 Definitions
- 15.06 Administrative authority
- 15.08 Administration of development regulations

**Chapter 15.02**  
**GENERAL PROVISIONS**

**Sections:**

- 15.02.010 Title
- 15.02.020 Authority
- 15.02.030 Applicability
- 15.02.040 Purpose and intent
- 15.02.050 Minimum requirements
- 15.02.060 Interpretation - language construction
- 15.02.070 Computation of time
- 15.02.080 Interpretation - zoning maps
- 15.02.090 Interpretation - right-of-way
- 15.02.100 Withdrawal of applications
- 15.02.110 Violations defined
- 15.02.120 Permit suspension, revocation or modification
- 15.02.130 Security agreements
- 15.02.140 Violations and penalties
- 15.02.150 Severability

**15.02.010 Title**

This document shall be known and may be cited as the Long Beach Unified Development Code, hereinafter referred to as "this code."

**15.02.020 Authority**

This code is adopted pursuant to the authority contained in RCW 35A.63 (Planning and Zoning in Code Cities), RCW 35A.58 (Boundaries and Plats), RCW 36.70A (Growth Management Act), RCW 86.16 (Flood Prevention), RCW Title 58 (Boundaries and Plats), and any other appropriate state regulations.

**15.02.030 Applicability**

Except as specifically provided below, the provisions of this code apply to all land development in the City, and no development may be undertaken without prior authorization pursuant to this code. Exceptions include Subsections A, B, and C below:

- A. Previously issued/vested development permits. The provisions of this code and any amendments to it will not affect the validity of any lawfully issued and effective development permit if both:
- B.
  - 1. The development activity authorized by the permit began before the effective date of this code or any amendment to it, or will begin after the effective date of this code but within six (6) months of issuance of the building permit; and
  - 2. The development activity continues without interruption until the development is complete. If the development permit expires, any further development on that site may occur only in conformance with the requirements of this code or amendment to it.
- C. No building or structure may be erected, demolished, remodeled, reconstructed, altered, enlarged or relocated and no building, structure, or premises may be used in the City of Long Beach after the effective date of this code, except in

compliance with the provisions of this code and then only after securing all required permits and licenses.

- D. Nothing in this code authorizes development that is inconsistent with and does not further the framework and policy direction provided for in the City's adopted Comprehensive Plan pursuant to RCW 36.70A.

#### **15.02.040 Purpose and Intent**

The purposes of this code are:

- A. To establish regulatory procedures and standards for review and decision-making of all proposed development in the City;
- B. To foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the City, in accordance with the Comprehensive Plan; and
- C. To adopt a development review process that is efficient, effective, and equitable.
- D. To prohibit or condition incompatible land uses by regulating density and dimensional aspects of development,
- E. To ensure that new development(s) install all private and public infrastructure necessary to serve the new development and protect environmentally sensitive areas,
- F. To implement the Comprehensive Plan of the City.
- G. To regulate the subdivision of land to ensure that:
  - 1. Adequate utility and public facilities are provided in developing portions of the City,
  - 2. Land development is coordinated; and
  - 3. Uniform monumenting of land subdivisions and conveyance by accurate legal description is achieved.
- H. To provide for a penalty for the violation of this code.

#### **15.02.050 Minimum requirements**

In interpretation and application, the requirements set forth in this code are considered the minimum requirements necessary to accomplish the purposes of this code.

#### **15.02.060 Interpretation - language construction**

The following rules of construction apply to the text of this document:

- A. The words "must" and "will" are always mandatory and not discretionary. The words "should" and "may" are permissive and are discretionary.
- B. Words used in the present tense include the future; and words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- C. A "building" or "structure" includes any part of a building or structure.
- D. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- E. The word "includes" does not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- F. The use of any gender-based pronoun should not be construed to be gender biased, but is only used for grammatical simplicity.

#### **15.02.070 Computation of time**

Unless otherwise specifically provided, the time within which an act is to be done will be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day will be excluded.

#### **15.02.080 Interpretation - Zoning map**

This Unified Development Code consists of the text of this code, together with a zoning map (Appendix A), which is on file at the office of the City Clerk-Treasurer, showing the boundaries of different use districts. Interpretations regarding boundaries of land use districts will be made in accordance with the following:

- A. Boundaries shown as following or approximately following any street will be construed as following the centerline of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line will be construed as following such line.
- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines will be construed as following such lines.
- D. Boundaries shown as following or approximately following natural features will be construed as following such features.
- E. Vacated streets and alleys will assume the zone classification of abutting property with the former centerline as the new boundary.
- F. When any uncertainty exists as to zone boundaries, the Planning Commission and/or City Council may require the interested parties to determine the location of boundaries by survey.

**15.02.90      Interpretation - right-of-way**

- A. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this document, land contained in rights-of-way for streets or alleys will be considered unclassified.
- B. Within street or alley rights-of-way, uses will be limited to street purposes as defined by law.
- C. Where a right-of-way is vacated, the vacated area will have the zone classification of the adjoining property with which it is first merged.

**15.02.100      Withdrawal of applications**

An application may be withdrawn at any time. Some or all of the application fee paid for review of the application may be refunded.

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**15.02.110      Violations defined**

No building permit or land use approval in conflict with the provisions of this code will be issued. Structures or uses which do not conform to this code, except approved variances and legal non-conforming uses as specified in this document, are violations subject to the enforcement, penalty, and abatement provisions of this code. Violations include, but are not limited to:

- A. Establishing a use not permitted in the zone in which it is located;
- B. Constructing, expanding, or placing a structure in violation of setback, height, and other dimensional standards;
- C. Establishing a permitted use without complying with applicable development standards set forth in other codes, regulations, ordinances, rules, or other laws;
- D. Failing to carry out or observe conditions of land use or permit approval including contract development standards of property-specific agreements;
- D. Failing to secure required land use or permit approval prior to establishing a permitted use; and
- F. Failing to maintain site improvements, such as landscaping, parking, or drainage control facilities, as required in this code.

**15.02.120      Permit suspension, revocation, or modification**

- A. Any permit, variance, or other land use approval issued by the City pursuant to this code may be suspended, revoked, or modified on one or more of the following grounds:
  - 1. The approval was obtained by fraud,
  - 2. The approval was based on inadequate or inaccurate information supplied by the applicant or the applicant's representative,
  - 3. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
  - 4. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law, or regulation;
  - 5. The holder of the permit or approval interferes with any authorized City representative in the performance of his or her duties, relevant to the permit or approval or implementation and review of the permit.
- B. The City Council may, after review and recommendation by the Planning Commission, revoke or modify any land use approval issued.

**15.02.130**      **Security agreement**

- A. In each case where a security is posted, the applicant and the Finance Director must sign a notarized security agreement, approved in form by the City Attorney. This agreement must be recorded with the Pacific County Auditor. The agreement must provide the following information:
  - 1. A description of the work or improvements covered by the security.
  - 2. The period of time covered by the security.
  - 3. The amount and nature of the security and the amount of the cash deposit.
  - 4. The rights and duties of the City and the applicant.
  - 5. An irrevocable license to run with the property to allow the employees, agents, or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the security.
  - 6. The mechanism by and circumstances under which the security shall be released.
- B. Upon release of any recorded security mechanism, a copy of the letter of release must be filed with the Pacific County Auditor.

**15.02.140**      **Violations and penalties**

- A. Any firm, business, property owner, corporation, entity, or person who violates the standards set forth in this code or the more stringent standards imposed by the City in carrying out the provisions of this code is guilty of a misdemeanor. Each day of non-compliance with this code will be deemed a separate offense. The offense will be punished by a fine not to exceed three hundred dollars (\$300) and/or ninety (90) days in jail.
- B. Abatement. The City also has the right to abate any violations of this code by seeking injunctive relief in the Pacific County Superior Court. Any firm, business, property owner, corporation, entity or person found in violation is responsible for paying the City's court costs and reasonable attorney's fees in any abatement action.

**15.02.150**      **Severability**

Should any chapter, section, subsection, paragraph, sentence, clause, or phrase of this code be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this code.

**Chapter 15.06**  
**ADMINISTRATIVE AUTHORITY**

**Sections:**

- 15.06.010 City Council-powers and duties
- 15.06.020 Planning Commission-established-organization-terms of office
- 15.06.030 Planning Commission-meetings and rules
- 15.06.040 Planning Commission-powers and duties
- 15.06.050 Planning Director-powers and duties

**15.06.010 City Council-powers and duties**

In addition to the powers and duties described in Chapters 2.08, 2.12, and 2.16 of the Long Beach Municipal Code, the City Council is vested with the authority to:

- A. Approve, approve with conditions, or deny applications for amendments to the Comprehensive Plan or this code, rezones, and annexation by direct petition, after considering the findings and recommendations of the Planning Commission;
- B. Decide local appeals of the decisions that the Hearing Examiner;
- C. Consider applications for amendments to the Comprehensive Plan or this code, rezones, and annexation by direct petition on regular meeting days or public hearings;
- D. Review of the findings and recommendations of the Planning Commission regarding applications listed above,
- E. Base all decisions on the criteria established in this code or other applicable laws,
- F. Require any applicant granted final plat approval to post a bond or other acceptable security with the City to assure that the applicant and/or his successors in interest shall adhere to the approved plan and all conditions attached to the final plat approval;
- G. Review and act upon any recommendations of the Planning Director or Planning Commission for amendments to or revisions of the Comprehensive Plan or the provisions of this code;
- H. Perform other duties as outlined in the latest edition of the City of Long Beach Shoreline Master Program and the latest edition of the City of Long Beach Comprehensive Flood Hazard Management Plan; and
- I. Perform other duties as outlined in this code

**15.06.020 Planning Commission-established-organization-term of office****15.06.030 Planning Commission-meetings and rules**

- A. The Planning Commission meets on the first Thursday of each month at 7:00 PM at Long Beach City Hall. The Planning Commission may hold special meetings upon the request of the Chairperson or of a majority of the Planning Commission provided all state law notice requirements for a special meeting are met.
- B. The Planning Commission will adopt rules for the transaction of business and keep a written record of its meetings, resolutions, transactions, findings, and determinations, which shall be a public record. In addition:
  - 1. The meetings of the Planning Commission are open to the public and tape recorded, except for executive sessions, as may be authorized by law; and
  - 2. Members of the Planning Commission must disqualify themselves from any Planning Commission actions in which they have a financial interest,

other conflict of interest, or in which they are in violation of RCW 42.36 (Appearance of Fairness). The Chairperson or Vice Chairperson may request an opinion from the City Attorney regarding whether or not a member should be disqualified from participating in a particular matter. The member must abide by the opinion of the City Attorney.

- C. A majority of the appointed and qualified members constitutes a quorum for the transaction of business. Four members constitute a quorum. Any action taken by a majority of those present, when those present constitute a quorum, will be deemed and taken as the action of the Planning Commission.
- D. Any number less than a quorum is authorized to convene a regular or special meeting at the time set and to adjourn, recess, or continue the regular or special meeting to a date and time certified and entered upon the minutes without the necessity of further notice.

#### **15.06.040 Planning Commission-powers and duties**

The Planning Commission has the following authority and duties:

- A. Exercising all of the powers of a Planning Commission as authorized in RCW 58.17, RCW 35A.63, and other provisions of state law;
- B. Making studies and recommendations to the City Council concerning goals, objectives, and policies governing all elements of the Comprehensive Plan and the provisions of this code regarding development in Long Beach's corporate area and urban growth area;
- C. Developing and making recommendations to the City Council concerning policies, ordinances, administrative procedures, and any other means for carrying out comprehensive plan elements in a coordinated and efficient manner; and
- D. Performing such other duties as assigned by the City Council.

#### **15.06.050 Planning Director-powers and duties**

- A. The Planning Director or his/her designee is vested with:
  - 1. Overall administrative responsibility of this code;
- B. The duties and responsibilities of the Planning Director include:
  - 1. Establishing procedures and preparing forms necessary for the administration of this code,
  - 2. Advising interested citizens and applicants of the regulations and procedures set forth in this code,
  - 3. Making administrative decisions and interpretations of the regulations set forth in this code,
  - 4. Determining that all applications for development and other required materials are provided by an applicant,
  - 5. Compiling an official file on each application submitted,
  - 6. Reviewing all information submitted by an applicant and preparing a report which shall summarize his/her findings, conclusions, and recommendations involving an application;
  - 7. Requiring any applicant granted site plan approval to post a bond or other acceptable security with the City to assure that the applicant and/or his/her successors in interest will adhere to the approved plan and all conditions attached to the approved site plan;
  - 8. Assuring that proper notice is given to appropriate persons, agencies, and the public for all hearings,
  - 9. Investigating, developing, and proposing amendments to the Long Beach Municipal Code as deemed necessary;
  - 10. Seeking remedies for alleged violations of this code, or of conditions of

any approved permit issued by the City; and

11. Coordinating information with other departments of the City and affected agencies.

**15.06.060 City Hearing Examiner-powers and duties**

- A. The Hearing Examiner is vested with:
  1. Authority to approve, approve with conditions, or deny applications for long plats, binding site plans, variances, conditional use permits, shoreline substantial development permits, and site plan review.
- B. The duties and responsibilities of the Hearings Examiner include:
  1. Making administrative decisions and interpretations of the regulations set forth in this code,
  2. Determining that an applicant provides all applications for development and other required materials,
  3. Reviewing all information submitted by an applicant and preparing a report which shall summarize his/her findings, conclusions, and recommendations involving an application,
  4. Investigating, developing, and proposing amendments to the Long Beach Municipal Code as deemed necessary,
  5. Assure that proper notice is given to appropriate persons, agencies, and the public for all hearings.

**Chapter 15.08**

**ADMINISTRATION OF DEVELOPMENT REGULATIONS**

**Sections:**

- |           |  |
|-----------|--|
| 15.08.010 | Purpose and Applicability  |
| 15.08.020 | Administration   |
| 15.08.030 | Exempt actions   |
| 15.08.040 | Pre-application conference                                       |
| 15.08.050 | Optional consolidated permit processing                          |
| 15.08.060 | Project permit application                                       |
| 15.08.070 | Determination of completeness                                    |
| 15.08.080 | Notice of application - Exemptions                               |
| 15.08.090 | Notice of application - Contents - Timing - Distribution         |
| 15.08.100 | Determination of consistency with existing plans and regulations |
| 15.08.110 | Public hearing procedures  |
| 15.08.120 | Report of decision-Content-Distribution                          |
| 15.08.130 | Report of decision-Timing  |
| 15.08.140 | Administrative interpretation                                    |
| 15.08.150 | Administrative appeals to Planning Commission                    |
| 15.08.160 | Administrative appeals to City Council                           |
| 15.08.170 | Judicial appeals   |
| 15.08.180 | Approval, review, and appeal authority                           |
| 15.08.190 | Official files   |
| 15.08.200 | Application time limit   |
| 15.08.210 | Application withdrawal and renewal                               |

**15.08.010 Purpose and Applicability**

The purpose of this Chapter is to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans as required by RCW 36.70B. The provisions of this Chapter apply when processing development applications subject to this code.

**15.08.020 Administration**

The Planning Director is responsible for ensuring that the provisions of this code are carried out.

**15.08.030 Exempt actions**

- A. The following actions are exempt from the project permit application process:



1. Zoning code text amendments;
  2. Adoption of or amendment to development regulations;
  3. Area-wide rezones to implement new City policies;
  4. Annexations;
  5. Adoption of or amendment to the comprehensive plan;
  6. Landmark designations; and
  7. Street vacations.
- B. Pursuant to RCW 36.70B.140(2), building permits, boundary line adjustments, and other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter 43.21C RCW), or permits/approvals for which environmental review has been completed in connection with other project permits are exempt from the following procedures:
1. Determination of completeness;
  2. Notice of application;
  3. Optional consolidated project permit review processing, except as provided in RCW 36.70B.140;
  4. Joint public hearings;
  5. Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing;
  6. Notice of decision;
  7. Completion of project review within any applicable time periods (including the 120-day permit processing time).

**15.08.040 Pre-application conference**

An applicant is encouraged, but not required, to request a pre-application conference with the Planning Director prior to filing any project permit application to discuss requirements and the review process. Any comments concerning the proposed development during the pre-application conference should not be construed as approval or denial of the proposal.

**15.08.050 Optional consolidated permit processing**

An applicant may submit complete construction permit applications (building and/or engineering) simultaneously with a required land use approval application. When an applicant elects to submit a land use approval application together with construction applications, the applications will be reviewed and processed as one application and subject to all notices, review and appeals as if one consolidated and integrated application. [RCW 36.70B.060(3), RCW 36.70B.120]

**15.08.060 Project permit application**

Applications for project permits must be submitted upon forms provided by the City. An application must contain all materials required by the applicable development regulations, and must include the following general information:

- A. A completed project permit application form;
- B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all the owners of the affected property;
- C. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- D. Designation of a single person/entity and address to receive determinations and notices required by this Chapter;
- E. The applicable fee;
- F. For the project permits listed below (and as indicated in the table in Section 15.08.170), the names and addresses of all property owners (as listed on the records of the Pacific County Assessor) within three hundred feet of the boundaries of the subject property:
  1. Conditional use;
  2. Site-specific zone change;
  3. Site plan review;
  4. Home occupation;

- 5. Binding site plan;
- 6. Preliminary plat;
- 7. Short plat approval; and
- 8. Variance.
- G. Evidence of adequate water supply, as required by RCW 19.27.097; and
- H. Evidence of sewer availability

**15.08.070 Determination of completeness**

- A. Within twenty-eight (28) days after receiving a project permit application, the City must mail or provide in person a written determination to the applicant, stating either:
  - 1. that the application is complete. An application is complete when it meets the procedural requirements of this code as determined by the Planning Director and is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently.
  - 2. that the application is incomplete and what is necessary to make the application complete. The applicant then has ninety (90) days to submit the information to the City. If the applicant fails to submit the required additional information within the ninety day period, the application will lapse. Within fourteen (14) days after an applicant has submitted additional information identified by the Planning Director as being necessary for a complete application, the applicant must be notified that the application is complete. [RCW 36.70B.070]
- B. An application will be deemed complete if the City does not provide a written determination to the applicant that the application is incomplete within twenty-eight days. [RCW 36.70B.070]

**15.08.080 Notice of application-Exemptions**

A notice of application is not required for the following actions, which are categorically exempt from SEPA, or for which environmental review has been completed:

- A. Application for building permits;
- B. Application for boundary line adjustments;
- C. Application for administrative approvals, which includes:
  - 1. All administrative interpretations and determinations;
  - 2. Boundary line adjustments;
  - 3. Building permits;
  - 4. Home occupation permits;
  - 5. Short plat approval;
  - 6. Preliminary SEPA threshold determination (EIS required);
  - 7. Shoreline Exemptions and Shoreline Substantial Development Permits;
  - 8. Sign permits; and
  - 9. Variances.

**15.08.090 Notice of application-Contents-Timing-Distribution**

- A. Contents. The notice of application must contain the following information:
  - 1. The date of the application, the date of issue of the determination of completeness, and the date of the notice of application;
  - 2. A description of the proposed project;
  - 3. A list of the project permits included in the application;
  - 4. Identification of other permits not included in the application, to the extent known by the City;
  - 5. Identification of existing environmental documents and studies that evaluate the proposed project and the location where they can be reviewed;
  - 6. The dates of the public comment period, which must be not less than fourteen nor more than thirty days following the date of notice of application;
  - 7. A statement of the right of any person to comment on the application,

- receive notice of any hearings, submit oral or written comments at any hearings, and request a copy of the decision once made;
  - 8. A statement of any appeal rights and limitations;
  - 9. The date, time, place, and type of hearing, if applicable and if already scheduled by the date of the notice of application; and
  - 10. Any other information determined appropriate by the City, in accordance with RCW 36.70B.110.
- B. Timing. The notice of application must be provided:
  - 1. Within fourteen (14) days after a determination of completeness;
  - 2. If any open record pre-decision hearing is required for the requested project permit(s), the notice of application must be provided at least fifteen (15) days before the open record hearing, in accordance with RCW 36.70B.110.
- C. Distribution.
  - 1. On or before the date of publication under Subsection E of this Section, the Planning Director must mail a copy of the notice of application to other known agencies with jurisdiction and the neighboring real property owners as identified by the applicant pursuant to Subsection 15.08.060(F).
  - 2. The City must erect a sign on the subject property containing the notice. [RCW 36.70B.110(4)(a)]
  - 3. The notice of application must be published in the official city newspaper (Chinook Observer).
- D. All public comments received on the Notice of Application must be received by the City by 4:00 PM on the last day of the comment period. Comments should be specific as possible.
- E. The City must not make a SEPA Determination of Nonsignificance or issue a decision or a recommendation on a project permit until the expiration of the public comment period identified in the Notice of Application. A SEPA Determination of Significance may be made before the expiration of the public comment period.

#### **15.08.100**

#### **Determination of consistency with existing plans and regulations**

- A. Fundamental land use planning choices made in adopted comprehensive plans and adopted development regulations will serve as the foundation for review of project permit applications. During project review, the City must determine whether the items listed in this Section are defined in the development regulations applicable to the proposed project or in the comprehensive plan. This determination of consistency includes:
  - 1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional uses, if the criteria for their approval have been satisfied;
  - 2. The level of development, such as units per acre, density of residential development in the urban growth area, or other measures of density;
  - 3. Availability and adequacy of public facilities and services identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by RCW 36.70A;
  - 4. Character of the development. [RCW 36.70B.030, 36.70B.040]
- B. During project review, the City shall not re-examine alternatives to, or hear appeals on, the factors identified in Subsection A, except for issues of code interpretation.
- C. The City may determine that the requirements for environmental analysis and mitigation measures in its development regulations, comprehensive plan, and other applicable laws provide adequate mitigation for some or all of a project's specific adverse environmental impacts.

- D. Nothing in this Section limits the authority of the City to approve, condition, or deny a project as provided in its development regulations and in its SEPA policies. Project review will be used to identify specific project design and conditions relating to the character of development (such as the details of site plans, curb cuts, drainage swales, etc.).
- E. Nothing in this Section requires documentation of or dictates the City's procedures for considering consistency or limits the City from asking more specific or related questions with respect to the factors identified in Subsection A(4) of this Section.

**15.08.110 Public hearing procedures**

- A. The City will hold no more than one open record hearing in relation to a given project permit application, including a consolidated permit application.
- B. A pre-decision open record hearing pertaining to project permit application must not occur prior to fifteen days after issuance of any threshold SEPA determination related to the given application.
- C. The City may combine a hearing on a project permit with a hearing that may be held by another local, state, regional, federal, or other agency, provided that the joint hearing is held within the City. The applicant may request that hearings be combined as long as the joint hearing can be held within the time periods specified in Section 15.08.130. In the alternative, the applicant may agree to a different schedule in the event that additional time is needed in order to combine the hearings.
- D. At least ten days prior to a public hearing, the Planning Director must:
  - 1. Publish notice of the hearing in the newspaper of legal record; and
  - 2. Mail notice of the hearing to the neighboring real property owners as identified by the applicant pursuant to Subsection 15.08.060(F).
- E. Notices of public hearings under Subsection D of this Section must include:
  - 1. A brief description of the project;
  - 2. The project location;
  - 3. The permit(s) required;
  - 4. The time, date, and place of the hearing, and closing date for comments;
  - 5. The location where further information can be obtained; and
  - 6. A statement of the right of any person to submit oral or written comments at the hearing.
- F. Public hearings must be conducted in accordance with the following procedures:
  - 1. The Planning Commission is subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and RCW 42.23), the open public meetings act (RCW 42.30), and the appearance of fairness doctrine (RCW 42.36) the same as now exist or may later be amended.
  - 2. The applicant bears the burden of proof and must demonstrate that the application conforms to the applicable elements of the City's development regulations and comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.
- G. The agenda of the public hearing will generally observe the following sequence of events:
  - 1. Determination of disqualification(s) of members of the hearing body. A member of the hearing body who is disqualified must be counted for purposes of forming a quorum. A disqualified member must make full

disclosure on the record, must not participate discussion of the matter, and must abstain from voting on the proposal.

2. City staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
3. Applicant's presentation, including submittal of any materials supplementary to the application. Members of the hearing body may ask questions of the applicant.
4. Testimony or comments by the public relevant to the matter. The chair will prohibit anonymous public comment. Questions from the public directed to the staff or the applicant will be posed by the chair at its discretion.
5. Rebuttal, response, or clarifying statements by the applicant and the City staff.

H. For those members of the public who are unable to attend the public hearing but wish to comment, letters may be submitted for the record prior to the public hearing.

**15.08.120 Report of decision - Content - Distribution**

- A. For all permit applications requiring approval by the Hearings Examiner, the Hearings Examiner must adopt a single report stating the decision(s) on the permit(s). The report will serve as the permit(s). The report must state applicable findings of fact and conclusions of law. The report must state any mitigation required under the development regulations or under the City's SEPA program. The report must describe applicable deadlines for and methods of appeal. The report must be provided to the applicant and to any person who, prior to the adoption of the report, requested notice of the decision or is a party of record having submitted comments on the application. The report must be issued within the time limit described in Section 15.08.130.
- B. For all permit applications requiring approval by the City Council, the City Council must adopt a single report stating the decision(s) on the permit(s). The report will serve as the permit(s). The report must state applicable findings of fact and conclusions of law. The report must state any mitigation required under the development regulations or under the City's SEPA program. The report must describe applicable deadlines for and methods of appeal. The report must be provided to the applicant and to any person who, prior to the adoption of the report, requested notice of the decision or is a party of record having submitted comments on the application. The report must be issued within the time limit described in Section 15.08.130.
- C. For all permit applications, the City must publish a summary of the report of decision in the official city newspaper.

**15.08.130 Report of decision - Timing**

- A. Except as otherwise provided in Subsection B of this Section, once a project permit application is complete, a final decision must be issued within one hundred twenty (120) days. In determining the number of days that have elapsed, the following periods are excluded:
  1. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.
  2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to .
  3. Any period during a pending administrative or judicial appeal of a SEPA Mitigated Determination of Nonsignificance (MDNS), a Determination of Nonsignificance (DNS), or of the sufficiency of an Environmental Impact Statement (EIS);
  4. The period from the filing of an administrative appeal under Section 15.08.150 through final disposition of the appeal.
  5. Any extension of time mutually agreed upon by the applicant and the City.

- B. The time limits established by Subsection A do not apply if a project permit application:
  1. Requires an amendment to the comprehensive plan or a development regulation;
  2. Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200; or,
  3. Is substantially revised by the applicant, in which case the time period will start from the date at which the revised project application is determined to be complete under Section 15.08.070.
- C. If the City is unable to issue its final decision within the time limits provided in this Section, the Planning Director must provide written notice of this fact to the project applicant. The notice must include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.
- D. The City is not liable for damages under this Chapter if it fails to make a final decision within the one hundred twenty (120) day period following notification to the applicant that the application is complete.

**15.08.140**      **Administrative interpretation**

Any project permit applicant, Long Beach resident, owner of real property in Long Beach, or party of record may request an interpretation of the meaning or application of the City's development regulations applicable to project permit applications. A requests must be written and must concisely identify the issue and desired interpretation. The Planning Director must provide a written administrative interpretation within thirty days of receipt of the request.

**15.08.160**      **Administrative appeals to City Council**

- A. Applications filed in accordance with the procedures set forth are exempt from the procedures of this Section (15.08.160) and Section 15.08.170.
- B. Decisions by the Hearings Examiner may be appealed (closed record appeal) to the City Council by any party of record (See Section 15.08.180 to determine appeal authority for project permit applications.).
- C. A written notice of appeal must be filed with the City Council within ten days after the date of the issuance of the decision or interpretation being appealed. The notice of appeal shall contain a concise statement identifying:
  1. The decision or interpretation being appealed;
  2. The name and address of the appellant and appellant's standing;
  3. The specific reason(s) why the appellant asserts that the decision is in error; and
  4. The desired outcome or changes to the decision.
- D. Upon filing an appeal, an appellant must pay a fee of \$100.
- E. All appeals related to a given project permit application that was approved or denied by the Hearings Examiner will be considered by the City Council in an closed record hearing conducted in accordance with the procedures outlined in Section 15.08.120. The appellant shall bear the burden of proving the decision was in error.
- F. Within ninety (90) days of the filing of an appeal under this Section, the City Council must adopt a single report declaring its decision(s) on the appeal(s). The report must be provided to the applicant and to any person who, prior to the adoption of the report, requested notice of the decision. The ninety (90) day time period may be extended upon mutual agreement of all parties to the appeal.

**15.08.170**      **Judicial appeals**

- A. Closed record appeals from a final decision of the City Council under this Chapter must be made to Pacific County Superior Court within ten (10) days of the date the decision or action became final (See Section 15.08.180 to determine appeal authority for project permit applications.).
- B. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal will be borne by the appellant. The appellant must post an advance fee deposit (in the amount specified by the City Clerk) with the City Clerk prior to the preparation of any records. Any overage will be refunded to the appellant within ten (10) days of filing the certified records with the Superior Court.
- C. The procedure for judicial appeals is as provided in the Land Use Petition Act, RCW 36.70C.

#### **15.08.180**      **Official files**

- A. After a project permit application has been deemed complete according to Section 15.08.080 of this code, the Planning Director will begin compiling an official file on each project permit application filed. An official file contains the following:
  1. The application materials submitted by the applicant;
  2. The City's report, which summarizes his findings, conclusions, and recommendations involving a project permit application;
  3. Any other staff reports prepared;
  4. All written testimony received on the matter;
  5. The electronic recording and minutes of any public hearing or review on the matter;
  6. The recommendation of the Planning Commission on the permit or application, if applicable;
  7. The decision of the Planning Director, Hearings Examiner, or City Council;
  8. Any other information relevant to the matter; and
  9. Certification of publication of legal notices, a copy of the mailed notification of application, and the date of mailing.
- B. The official file is a public record. It is available for inspection and copying at City Hall during regular business hours. Availability may be temporarily restricted during or prior to public hearings while staff is preparing for the hearing.
- C. Official files will be kept in accordance with the provisions of RCW 40.14 (the Public Records Act).

#### **15.08.190**      **Application time limit**

The City may consider an application to be moot if no action has been initiated on the application by the applicant for a continuous three (3) month period. In such an event, the City may serve notice on the applicant by certified letter that the application will be terminated in thirty (30) days unless the applicant responds by return mail that the application remains an active, on-going concern.

#### **15.08.200**      **Application withdrawal and renewal**

The Planning Director, Planning Commission, Hearings Examiner, or City Council, as appropriate, may permit the withdrawal of any application filed under the provisions of this code, provided that any hearing must be held for which notice has been given.

### **Part II** **Environmental Regulations**

#### **Chapters:**

- 15.12 State Environmental Policy Act
- 15.14 Shoreline Master Program
- 15.16 Development in Flood Areas

**Chapter 15.12**  
**STATE ENVIRONMENTAL POLICY ACT**

- Sections:**
- 15.12.010      State Environmental Policy Act (SEPA)
  - 15.12.020      Exemptions

**15.12.010      State Environmental Policy Act (SEPA)**  
See Long Beach Municipal Code for SEPA rules and regulations.

**15.12.020      Exemptions**  
The following are exempt from SEPA requirements:

- A.      Annexations;
- B.      Boundary line adjustments;
- C.      Short subdivisions;
- D.      Vacation of public rights-of-way.

**Chapter 15.14**  
**SHORELINE MASTER PROGRAM**

- Sections:**
- 15.14.010      City of Long Beach Shoreline Master Program as adopted
  - 15.14.020      Relation to RCW 36.70B

**15.14.010      City of Long Beach Shoreline Master Program**  
See Shoreline Master Program and Zoning Ordinances as adopted by the City of Long.

**15.14.020      Relation to RCW 36.70B**  
Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances are subject to the following procedures, which are outlined in Chapter 15.08 of this code:

- A.      Determination of completeness;
- B.      Notice of application;
- C.      Optional consolidated project permit review processing, except as provided in RCW 36.70B.140;
- D.      Joint public hearings;
- E.      Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing;
- F.      Notice of decision;
- G.      Completion of project review within any applicable time periods (including the one hundred twenty (120) day permit processing time).

**Chapter 15.16**  
**DEVELOPMENT IN FLOOD AREAS**

- Sections:**
- 15.16.010      City of Long Beach Comprehensive Flood Hazard Management Plan
  - 15.16.020      City of Long Beach Flood Damage Prevention Ordinance
  - 15.16.030      Development in flood areas

**15.16.010      City of Long Beach Comprehensive Flood Hazard Management Plan**  
The City of Long Beach Comprehensive Flood Hazard Management Plan (FHMP) was



completed for the City of Long Beach in 1995. The FHMP sets forth the recommendations for land development within the flood areas in Long Beach and procedures for obtaining development permits or approvals within flood areas.

**15.16.020 City of Long Beach Flood Damage Prevention Ordinance**

The Flood Damage Prevention Ordinance sets up specific standards for structures located in areas subject to the 100-year flood and specific provisions for substantial improvements to or construction of new structures in areas subject to the 100-year flood.

**15.16.030 Development in flood areas**

Persons proposing development within flood areas must comply with the requirements of the most recent edition of the FHMP, the most recent update of the Flood Damage Prevention Ordinance, in addition to the regulations of this code.

**Part III**  
**Land Division**

**Chapters:**

- 15.62 Land division in general
- 15.64 Short Subdivision
- 15.66 Preliminary Plat
- 15.68 Final Plat

**Chapter 15.62**  
**LAND DIVISION IN GENERAL**

**Sections:**

- 15.62.010 Purposes
- 15.62.020 Authority
- 15.62.030 Applicability
- 15.62.040 Binding site plans
- 15.62.050 Exemptions
- 15.62.060 Pre-application conference
- 15.62.070 Time limitations for approval or disapproval of plats - extensions

**15.62.010 Purposes**

The purposes of this Part are to regulate the subdivision of land and to promote the public health, safety, and general welfare in accordance with standards established by the state.

**15.62.020 Authority**

These regulations are established pursuant to the provisions of RCW 58.17 and should not preclude full compliance to RCW 58.17.

**15.62.030 Applicability**

- A. Every subdivision and short subdivision must comply with the provisions of this Chapter.
- B. No person may subdivide or develop land within the City of Long Beach except in accordance with the provisions contained in this code, unless specifically exempted from such provisions.
- C. No development permit will be issued for any parcel of land developed or divided in violation of the City of Long Beach Shoreline Master Program.
- D. A building or development permit must be obtained before construction or development begins within any area of special flood hazard, in accordance with LBMC Chapter 15.24.

**15.62.050 Exemptions**

In accordance with RCW 58.17, the provisions of this Part do not apply to:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land;
- C. Divisions made by testamentary provisions, or the laws of descent.
- D. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
- E. Divisions made for mobile home parks or condominiums.
- F. Assessors plats, provided that they contain a survey of subdivision and contain permanent control monuments as required by RCW 58.17.G.

#### **15.62.060 Pre-application conference**

An applicant may request a pre-application conference with the Planning Director prior to filing an application to discuss requirements and the review process, in accordance with Section 15.08.040 of this code.

#### **15.62.070 Time limitations for approval or disapproval of plats - extensions**

- A. Preliminary plats will be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from date of filing, unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3).
- B. If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period will not include the time spent preparing and circulating the environmental impact statement.
- C. Final plats and short plats will be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing, unless the applicant consents to an extension of such time period.
- D. A final plat meeting all requirements of this Chapter must be submitted by the applicant to the City Council for approval within five (5) years of the date of preliminary plat approval.

### **Chapter 15.64** **SHORT SUBDIVISION**

#### **Sections:**

- 15.64.010 Submitting short subdivision application, related materials, and fee
- 15.64.020 Determination of completeness
- 15.64.030 Department of Transportation notification
- 15.64.050 Planning Director's decision
- 15.64.060 Report of decision
- 15.64.070 Re-division of land prohibited without final plat approval
- 15.64.080 Filing and distribution of approved short plats
- 15.64.090 Appeals

#### **15.64.010 Submitting short subdivision application, related materials, and fee**

- A. Persons requesting short plat approval must submit the following to the Planning Director, in accordance with Section 15.08.060 of this code:
  - 1. A completed application form furnished by the City;
  - 2. Three copies of the plat, with appropriate additional information specified by the application form;
  - 3. Names and addresses of property owners within three hundred feet of the proposed short subdivision;
  - 4. An application fee.

#### **15.64.020 Determination of completeness**

- A. The Planning Director will notify the applicant that the application has been

received and that it is complete or incomplete, in accordance with Section 15.08.070 of this code.

- B. The Planning Director will forward as necessary, one copy of the proposed short plat to the:
  - 1. City Engineer;
  - 2. Public Works Director;
  - 3. Fire Marshal;
  - 4. Superintendent of Schools;
  - 5. Police Chief; and
  - 6. other agencies, as may be appropriate.
- B. The Planning Director will allow fifteen (15) calendar days for the transmittal of review comments from the individuals listed above.

**15.64.225      Short sub-division development standards**

- A. When access to a short subdivision is by public right of way, the street shall be constructed as an all-weather crushed rock surface 22 feet wide east of the line of 1889.
- B. When access to a short subdivision is by public right of way, the street shall be constructed as an asphalt concrete surface 22 feet wide west of the line of 1889.
- C. When access to a short subdivision is by public right of way, the street lights shall be installed a 1 light per 300 lineal feet of street.
- D. When access to a short subdivision is by private right of way, the street shall be improved to an all-weather crushed rock surface 15 feet wide. At the most distant point on the access a maneuvering radius or hammerhead that can accommodate emergency vehicles shall be constructed.

**15.64.25      Notice to surrounding property owners**

Upon submittal of a completed application for short subdivision, the Planning Director shall send out a notice of the application to all property owners within 300 feet of the property proposed for subdivision. Surrounding property owners will have fourteen (14) days to provide comment to the Planning Director regarding the proposed subdivision.

**15.64.030      Department of Transportation notification**

Whenever the City receives an application for the approval of a short plat of a short subdivision that is located adjacent to the right-of-way of a state highway, the Planning Director must give written notice of the application, including a legal description of the short subdivision and a location map, to the District Manager of the Department of Transportation. The District Manager will be provided fourteen (14) days after receiving the notice to submit to the Planning Director any information that the District Manager deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the carrying capacity of the state highway and the safety of users of the state highway. The Planning Director will forward the information to the Hearings Examiner, who will consider such information in the review of short plats adjacent to state highway rights-of-way.

**15.64.050      Planning Director's decision**

- A. In reviewing the application for recommendation for short plat approval, the Planning Director will consider the following criteria:
  - 1. Whether the short plat meets applicable zoning and other land use regulatory requirements of the City and state. No short plat will be approved unless it is found to be in compliance with applicable zoning requirements;
  - 2. Whether the proposed short subdivision is already adequately served by sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and others who may use the sidewalks;
  - 3. Whether the design, shape, size, and orientation of the proposed short subdivision are appropriate to the proposed use for which the lots are intended and are compatible with the character of the area in which they

are located;

4. The recommendations of the City Engineer and other agencies and personnel listed in Subsection 15.64.020(B) above, if they gave recommendations;
  5. Whether easements are provided and conveyed where necessary for utility installation and maintenance, public access, drainage, and buffer strip or protective easements;
  7. When only a portion of an entire tract is proposed to be short subdivided, the Planning Director will consider how the proposed lots and improvements will eventually relate and coordinate with the entire tract when fully platted.
- C. The decision of the Planning Director must be in writing and must include findings of fact and conclusions to support the decision.

#### **15.64.060 Report of decision**

The Planning Director must provide the Mayor a single report stating the decision on the short subdivision in accordance with Sections 15.08.120 and 15.08.130 of this code.

#### **15.64.070 Redivision of short plats prohibited without final plat approval**

- A. Land contained within a short subdivision as shown on an approved short plat may not be further divided within a period of five (5) years unless a final plat is filed and approved in accordance with procedures established in this Chapter (i.e., not more than four (4) parcels can be created within five years without going through the preliminary/final plat process described in Chapters 15.66 and 15.68 of this code).
- B. If an approved short plat contains fewer than four parcels, however, nothing in this Section prevents the owner who filed the short plat from filing an alteration within the five year period to create up to a total of four lots within the original short plat boundaries.

#### **15.64.080 Filing and distribution of approved short plats**

- A. The original of any approved short plat must be signed by the Mayor. The signed short plat must be filed for record by the applicant with the Pacific County Auditor. Pursuant to RCW 58.17.065, the final short plat will not be deemed approved until filed with the Pacific County Auditor.
- B. One reproducible copy will be furnished to the City Engineer.
- C. One paper copy will be filed with the Pacific County Assessor.
- D. Paper copies will be provided to such other agencies as may be required by the Planning Director.

#### **15.64.090 Appeals**

The decision of the Planning Director on short plat approval may be appealed to the City Council in accordance with Section 15.08.160 of this code.

### **Chapter 15.66** **PRELIMINARY PLAT**

#### **Sections:**

- |           |  |
|-----------|--|
| 15.66.010 | Submitting application for preliminary plat approval |
| 15.66.020 | Determination of completeness                        |
| 15.66.030 | Notice of application                                |
| 15.66.040 | Public hearing notice                                |
| 15.66.050 | Planning Director forwards application               |
| 15.66.060 | Hearings Examiner review and decision                |
| 15.66.070 | Criteria to be considered                            |
| 15.66.080 | Dedications  |
| 15.66.090 | Report of decision                                   |

**15.66.010 Submitting application for preliminary plat approval**

- A. A preliminary plat is a conceptual plan for a development. It shows the proposed development and amenities. To be considered for preliminary plat approval, the applicant must submit the following to the Planning Director, in accordance with Section 15.08.070 of this code:
1. A completed application form, as provided by the City;
  2. Ten copies of the preliminary plat, with appropriate additional information as specified by the application form;
  3. Names and addresses of property owners within 300 feet of the proposed subdivision, as recorded by the County Assessor;
  4. SEPA Environmental Checklist;
  5. SEPA EIS, if applicable;
  6. An erosion control plan, in accordance with 15.78.040 of this code; and
  7. An application fee.
- B. An applicant for preliminary plat approval may elect to process all related project permit applications together in accordance with Section 15.08.050 of this code.

**15.66.020 Determination of completeness**

The Planning Director must notify the applicant that the preliminary plat application has been received and that it is complete or incomplete, in accordance with Section 15.08.050 of this code.

**15.66.030 Notice of application**

The Planning Director must provide a notice of application in accordance with Section 15.08.090 of this code. In addition:

- A. Notice of the filing of a preliminary plat of a proposed subdivision located in the City and adjoining the municipal boundary will be given to appropriate county officials;
- B. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport will be given to the District Manager, Washington State Department of Transportation. The District Manager must respond to the City within fifteen (15) days of such notice as to the effect that the proposed subdivision will have on the state highway or state or municipal airport.

**15.66.040 Public hearing notice**

Upon notification from the Planning Director that the preliminary plat application is complete, notice of a Hearings Examiner public hearing will be given in accordance with Subsections 15.08.110(A, B, C, D, E, and H) of this code.

**15.66.050 Planning Director forwards application**

- A. After a preliminary plat application has been deemed complete according to Section 15.08.070 of this code, the Planning Director will forward one copy of the preliminary plat to each of the following for their comments and recommendations:
1. Public Works Director;
  2. City Engineer;
  3. Fire Marshal;
  4. Superintendent of Schools; and
  5. Police Chief.
- B. Each preliminary plat submitted for approval of the Hearings Examiner will be accompanied by recommendations for approval or disapproval by the individuals listed in Subsection 15.66.050(A)(1-5) above.
- C. The terms of the agreement, as recommended by the persons in Subsection 15.66.050(A)(1-5) above, may not be modified without the consent of the

applicant.

**15.66.060**      **Hearings Examiner review and decision**

- A. Upon receipt of the application from the Planning Director, the Hearings Examiner will conduct a public hearing on the preliminary plat application, at which it will consider the application, related materials, SEPA determinations, comments made at the hearing by the applicant, adjoining property owners, and other interested parties.
- B. Based on the results of the public hearing, the Hearings Examiner will make a decision on the preliminary plat.
- C. The Hearings Examiner will consider the criteria in Section 15.66.070 below in making its recommendation.
- D. Every decision made by the Hearings Examiner must be in writing and must include findings of fact and conclusions to support the decision.
- E. The Hearings Examiner may not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

**15.66.070**      **Criteria to be considered**

- A. The Hearings Examiner will consider all relevant evidence to determine whether the preliminary plat should be approved or disapproved. In accordance with RCW 58.17, such evidence will include:
  - 1. whether the proposed subdivision is in conformance with the City's Comprehensive Plan.
  - 2. whether appropriate provisions have been made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds.
  - 3. whether sidewalks and other planning features assure safe walking conditions for people who use them, including students who only walk to and from school.
  - 4. whether capital facilities to be provided by the City can be provided concurrently with the expected development, in accordance with the Comprehensive Plan.
  - 5. whether the public interest will be served by the subdivision and dedication.
  - 6. the physical characteristics of the proposed subdivision, including flood, inundation, or wetland conditions (which are grounds for disapproval). No plat will be approved if it covers any land situated in a flood control zone as provided in RCW 86.16 without the prior written approval of the Department of Ecology of the State of Washington.
  - 7. any information provided as a result of compliance with the State Environmental Policy Act.

**15.66.080**      **Dedications**

- A. Dedication of land to the City and/or provision of public improvements to serve the subdivision may be required as a condition of subdivision approval. Dedications must be clearly shown on the final plat.
- B. No dedication or provision of public improvements will be allowed that constitutes an unconstitutional taking of private property.

**15.66.090**      **Report of decision**

The Hearings Examiner will adopt a single report stating the decision on the preliminary plat application in accordance with Sections 15.08.120 and 15.08.130 of this code.

**15.66.100**      **Appeals**

The decision of the Hearings Examiner on the preliminary plat may be appealed to the City Council in accordance with Section 15.08.160 of this code.

**Chapter 15.68**  
**FINAL PLAT**

**Sections:**

- 15.68.010 Final plat application
- 15.68.020 Final plat requirements and certification statements
- 15.68.030 Submit title insurance report
- 15.68.040 Improvements
- 15.68.050 Maintenance security
- 15.68.060 Procedure and criteria for City Council approval of final plats
- 15.68.070 Filing and distribution of approved final plats

**15.68.010 Final plat application**

- A. An applicant for final plat must submit:
  - 1. A completed application form, furnished by the City;
  - 2. Ten copies of the final plat with all required data (see Section 15.68.020 below);
  - 3. The application fee; and
  - 4. One reduced-scale reproducible copy of the final plat.
- B. Failure of an applicant to submit all required application materials will be considered a lack of compliance with this Chapter, and the Planning Director may withhold the application from further consideration until such time as the application is complete.

**15.68.020 Final plat requirements and certification statements**

Every final plat submitted for approval must conform to the requirements listed in Subsections 15.68.020 (A-L) below. The final plat must show the certification statements listed in Subsections 15.68.020 (M-T) below, with appropriate signatures and seals before the subdivision is approved and recorded.

- A. The plat must consist of one or more pages of a size acceptable to the City Council. The plat must be clearly and legibly drawn on stable base polyester film or equivalent approved material. All drawing and lettering must be in permanent black ink, or an approved equivalent.
- B. The perimeter of the subdivision must be depicted with heavier lines than appear elsewhere on the plat. The scale must be one hundred feet equals one inch, unless the Planning Director approves another scale. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left side and one inch on the remaining sides.
- C. The name of the subdivision, the graphic scale, and the north point must be clearly shown.
- D. An accurate map of the subdivided land, based upon a complete survey by a licensed surveyor.
- E. All section, township, municipal and county lines lying within or adjacent to the subdivision.
- F. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries, and all permanent monuments with linear dimensions.
- G. The boundary of the subdivision with complete bearings and linear distances.
- H. The length and bearings of all straight lines and the radii arcs and semi-tangents of all curves.
- I. The length of all lot lines, together with bearings and other data necessary for the location of any lot line in the field.
- J. The location, right-of-way width, pavement width, centerline and name or number of all streets and alleys within and adjoining the subdivision.
- K. Numbers assigned to all lots, indication of the acreage and/or square footage of each lot, and letters assigned to all blocks within the subdivision. A house address system will be provided by the City; provided, however, that an index system will be shown on the plat to allow assignment of house numbers by the City.
- L. Notations of any survey discrepancies.
- M. Legal description and owners statement

Know all men by these presents that I, or we, the undersigned owner, or owners, in fee simple

and encumbrances of the land hereby platted, declare that the subdivision as described by the following legal description has been made with the free consent and in accordance with the desires of the owner, or owners:

Name of owner

Name of owner

State of Washington )  
 ) ss.  
County of Pacific )

This is to certify that on the \_\_\_\_ day of \_\_\_\_, A.D., 19\_\_, before me the undersigned, a Notary Public, personally appeared \_\_\_\_\_, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that \_\_\_\_\_ signed and sealed the same as \_\_\_\_\_ free and voluntary act and deed for the use and purpose mentioned.

Witness my hand and official seal the day and year above written.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Washington, residing at \_\_\_\_\_.

N.     Dedication

Know all men by these presents that I, or we, the undersigned, owner(s) in fee simple of the land hereby platted, hereby declare this plat and dedicated to the public forever all roads, easements, and right-of-way over and across any lots or lots where water might take a natural course, and the original reasonable grading of the roads and right-of-ways shown hereon.

Following the original reasonable grading of the roads and right-of-way shown hereon, no drainage waters on any lot or lots may be diverted or blocked from their natural course so as to discharge upon any public rights-of-way or to hamper proper drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereon across any lots, as may be undertaken by or for the owner of any lot, must be done by and at the expense of such owner.

IN WITNESS WHEREOF, we have set our hands and seals.

O.     Registered land surveyor's certification

I, a registered land surveyor, do hereby certify that the plat of \_\_\_\_\_ is based on actual survey and subdivision of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East, that the distances and courses and angles are shown thereon correctly and that proper monuments have been set and lot block corners staked on the ground as shown on the lot.

\_\_\_\_\_  
Registered Land Surveyor

P.     Treasurer Certification

I certify that all property taxes on the land described hereon have been fully paid to and including the year \_\_\_\_\_ .

\_\_\_\_\_  
Pacific County Treasurer

Q.     City Engineer Approval

I, the City Engineer for the City of Long Beach, Washington, have reviewed the plat and have found it to comply with the provisions of the approved preliminary plat and the requirements and standards of the City's subdivision code, and therefore recommend approval on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
City Engineer

R.     City Council Approval

The City Council has reviewed the final plat for compliance with the approved preliminary plat requirements and standards of the City's subdivision ordinance, and required letters of recommendations and approve the subdivision on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_



Mayor

ATTEST:

\_\_\_\_\_  
City Clerk-Treasurer

S. Assessor Approval

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Pacific County Assessor

T. County Officer of Records Certificate (to be signed at the time of recording the approved final plat).

Filed for record at the request of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_ M, and recorded in Volume \_\_\_\_\_ of plats, on page \_\_\_\_\_, recorded of Pacific County, Washington.

\_\_\_\_\_  
Pacific County Auditor

\_\_\_\_\_  
Deputy Auditor

15.68.030      Submit title insurance report

In addition to a completed application form furnished by the City, ten copies of the final plat with all data, the specified fees, and one reduced scale reproducible copy, the applicant for final plat approval must submit a title insurance report confirming that the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate.

15.68.040      Improvements

To file a final plat, a developer must construct all required improvements of the preliminary plat, repair existing streets and other public facilities damaged in the development of the subdivision, and submit a final plat for approval before filing with the County Auditor.

15.68.050      Maintenance security

- A. All required minimum improvements within any subdivision may be subject to a maintenance bond or other approved surety guaranteeing to the City the successful operation of improvements for a period of two years. The sub-divider must file with the final plat one of the following:
1. A surety bond executed by a surety company authorized to transact business in the state of Washington in a form approved by the City Attorney,
  2. A personal bond approved by the City Attorney co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement,
  3. Cash,
  4. A Letter of credit approved by the City Attorney from a financial institution stating that the money is held for the purposes of development of the stated project.
- B. The bond or other approved surety will be for twenty percent (20%) of the estimated value of all required improvements as determined by the Finance Director.
- C. Upon the termination of the warranty period, and upon restoration of the improvements to successful operation and the repair of any defects or damage in the improvements the Finance Director will authorize the release of the maintenance bond or surety.
- D. The Finance Director may withhold release of the bond or surety up to one year from the date of any restoration or repairs to insure that the restoration or repairs

were adequate.

- E. The Finance Director and the applicant must sign a notarized security agreement, approved in form by the City Attorney, in accordance with Section 15.02.130 of this code. This agreement must be recorded with the Pacific County Auditor. The agreement must provide the following information:
  - 1. A description of the work or improvements covered by the security.
  - 2. The period of time covered by the security.
  - 3. The amount and nature of the security and the amount of the cash deposit.
  - 4. The rights and duties of the City and the applicant.
  - 5. An irrevocable license to run with the property to allow the employees, agents, or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the security.
  - 6. The mechanism by and circumstances under which the security shall be released.
- F. Upon release of any recorded security mechanism, a copy of the letter of release must be filed with the Pacific County Auditor.

**15.68.060 Procedure and criteria for City Council approval of final plats**

- A. Upon receipt by the Planning Director of a completed application for final plat that needs City Council approval, he will notify the City Administrator to place the final plat application on the City Council's agenda for its next regular meeting not sooner than ten (10) days after receipt.
- B. The following criteria will be considered when the City Council reviews a final plat:
  - 1. Whether conditions imposed when the preliminary plat was approved have been met,
  - 2. Whether the maintenance security assures the successful operation of improvements,
  - 3. Whether the final plat is in conformance with the City's zoning regulations and all other applicable land use regulations,
  - 4. A final plat will not be approved until the City Council finds that the final plat conforms to the proposed preliminary plat and any conditions imposed.
- C. When the City Council finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of RCW 58.17, other applicable state laws, the Long Beach Municipal Code, and other applicable local laws, the Mayor or other designated member of the City Council will suitably inscribe and execute its written approval on the face of the final plat.
- D. Every decision of the City Council must include findings of fact and conclusions to support the decision.
- E. Any findings supporting the City Council's action on the final plat must be recorded in the minutes of the applicable meeting.

**15.68.070 Filing and distribution of approved final plats**

- A. The original of any approved final plat will be filed for record with the Pacific County Auditor.
- B. One reproducible copy will be furnished to the City Engineer.
- C. One paper copy will be filed with the Pacific County Assessor.
- D. Paper copies will be provided to such other agencies as may be required by the Planning Director.

**Part IV**  
**Development Standards**

**Chapters:**

- 15.74 Streets
- 15.76 Utilities

- 15.78 Drainage, erosion control, and stormwater management
- 15.80 Signs
- 15.82 Parking
- 15.84 Building and construction
- 15.86 Fire code

**Chapter 15.74**  
**STREETS**

**Sections:**

- 15.74.010 Purpose
- 15.74.020 Construction standards and specifications
- 15.74.220 Right-of-way permit required

**15.74.010 Purpose**

The purpose of this Chapter is to define the requirements for street planning and construction to be followed in the development, review, and approval of site plans, subdivisions, and short subdivisions, as well as new development in existing plats.

**15.74.020 Construction standards and specifications**

- A. Construction and design standards and specifications for streets are contained in the document entitled "Pacific County Road Standards," and all streets must be completed in accordance with these standards.

**15.74.220 Right-of-way permit required**

Prior to performing any work within a right-of-way, the person performing the work must obtain a right-of-way permit from the Public Works Director, who may condition the permit as necessary to protect the public health, safety, and welfare.

**Chapter 15.76**  
**UTILITIES**

**Sections:**

GENERAL

- 15.76.010 Utility ownership and easement rights
- 15.76.020 Right-of-way permit required
- 15.76.030 Plan approval required
- 15.76.040 As-built drawings required
- 15.76.050 Utilities to be consistent with internal and external development

SEWER

- 15.76.060 Construction standards and specifications

WATER

- 15.76.170 Construction standards and specifications
- 15.76.180 Water system required

OTHER UTILITIES

- 15.76.260 Construction standards and specifications
- 15.76.270 Lighting requirements
- 15.76.280 Electric power
- 15.76.290 Telephone services
- 15.76.300 Underground utilities
- 15.76.310 Sites for and screening of dumpsters

GENERAL

**15.76.010 Utility ownership and easement rights**

When a developer installs or causes the installation of water, sewer, electrical power, telephone, cable television, or other types of utility facilities and intends that the facilities will be owned,

operated, or maintained by a public utility or any entity other than the developer, the developer must transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain the facilities.

**15.76.020 Right-of-way permit required**

Prior to performing any work within a right-of-way, the person performing the work must obtain a right-of-way permit from the Planning Director in consultation with the Public Works Director, who, may condition the permit as necessary to protect the public health, safety, and welfare.

**15.76.030 Plan approval required**

Prior to the installation of any new sewer system or water system pipes, the developer must provide plans, prepared by a licensed engineer, for review by the City.

**15.76.040 As-built drawings required**

Whenever a developer installs or causes to be installed any utility line within the City, or connects to existing facilities within the City, the developer must, as soon as practicable after installation is complete, and before acceptance of any utility line, furnish the City with a copy of a drawing that shows the exact location of such utility lines. The drawings must be verified as accurate by the utility service provider. Compliance with this requirement is a condition of the continued validity of the permit authorizing such development.

**15.76.050 Utilities to be consistent with internal and external development**

- A. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, the utility facilities (e.g., water or sewer lines) must be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service. In all cases, utility lines must extend to the common property line(s) of the subject property and the properties anticipated to be undergoing future development.
- B. All utility facilities must be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

**SEWER**

**15.76.060 Construction standards and specifications**

All sewage disposal lines must be constructed in accordance with the latest edition of the APWA Standard Specifications.

**WATER**

**15.76.170 Construction standards and specifications**

All water distribution lines must be constructed in accordance with the latest edition of the APWA Standard Specifications and the City of Long Beach Conditions and Standards for Extensions to the City Water System.

**Chapter 15.78**

**DRAINAGE, EROSION CONTROL, AND STORMWATER MANAGEMENT**

**Sections:**

- 15.78.010 Natural drainage system utilized to extent feasible
- 15.78.020 Developments must drain properly
- 15.78.030 Stormwater management
- 15.78.040 Sedimentation and erosion control
- 15.78.050 Stormwater system design
- 15.78.060 Illegal discharge of materials into the stormwater system

**15.78.010 Natural drainage system utilized to extent feasible**

- A. To the extent practicable, all development must conform to the natural contours of the land and natural and pre-existing human-made drainage ways must remain undisturbed.
- B. To the extent practicable, lot boundaries must be made to coincide with natural and pre-existing human-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

**15.78.020**      **Developments must drain properly**

- A. All developments must be provided with a drainage system that is adequate to prevent the undue detention or retention of surface water on the development site. Surface water will not be regarded as unduly detained or retained if:
  - 1. The detention or retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan; or
  - 2. The detention or retention is not substantially different in location or degree than that experienced by the development site in its pre-development state, unless such detention or retention presents a danger to health or safety.
- B. No surface water may be channeled or directed into a sanitary sewer.
- C. Whenever practicable, the drainage system of a development must coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- D. Construction specifications for drainage swales are contained in Appendix K of the Pacific County Road Standards.

**15.78.030**      **Stormwater management**

All developments must be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- A. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, resulting in substantial damage to such higher adjacent properties; and
- B. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties, resulting in a volume and/or rate that is substantially greater than the pre-development volume and/or rate.

**15.78.040**      **Sedimentation and erosion control**

- A. No permit may be issued and final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity unless the Planning Director has certified to the City that either:
  - 1. An erosion control plan has been submitted to and approved by the Public Works Director; or,
  - 2. The Planning Director has examined the preliminary plans for the development and it appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Planning Director approves the erosion control plan.
- B. For purposes of this section, land disturbing activity means any use of the land by any person in any development, and/or road construction and maintenance that results in a change in the natural cover or topography that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

**15.78.050**      **Stormwater system design**

- A. Storm sewers constructed within the street will be sized by the developer's engineer and will consider all potential runoff requirements within the site and

upstream of the site. The storm sewer will be sized for a 100-year design recurrence criteria for storm drainage facilities. Spacing of catch basins along the street must conform to published engineering recommendations, which consider profile of the street and street width.

- B. On-site detention may be required for new development where downstream deficiencies exist or are anticipated to exist in the next five (5) years. Recommended design recurrence criteria for a commercial or residential storm drainage detention facility is a ten-year interval.
- C. Erosion control and water quality control facilities for project that disturb over five (5) acres must apply to the state Department of Ecology for an NPDES permit. Erosion control practices are required for all plats and all projects that have site plan review. Erosion control practices may include straw bales, hydroseeding, etc.

#### **15.78.060      Illegal discharge of materials into the stormwater system**

The discharge of any material other than clean stormwater into the stormwater system is prohibited.

### **Chapter 15.84** **BUILDINGS AND CONSTRUCTION**

#### **Sections:**

- 15.84.010      Washington State building codes adopted
- 15.84.020      Building Official
- 15.84.030      Building permits
- 15.84.040      Building permit fees
- 15.84.050      Side sewer permits
- 15.84.060      Only construction in compliance with approved plans authorized
- 15.84.070      Accessory buildings
- 15.84.080      Fences
- 15.84.090      Retaining walls
- 15.84.100      Signs
- 15.84.110      Repairs and maintenance
- 15.84.120      Inspection of improvements

#### **15.84.010      Washington State building codes adopted**

The model codes listed below, as approved and adopted by the State Building Code Council (SBBC), together with any amendments or additions are hereby adopted by this reference. These codes must apply to all new construction, remodeling, or repairs. Copies of the codes are on file in the offices of the City Clerk-Treasurer and the Building Official.

- A.      Uniform Building Code (UBC) & Standards;
- B.      Uniform Plumbing Code (UPC) & Standards;
- C.      Uniform Mechanical Code (UMC) & Standards;
- D.      Uniform Swimming Pool, Spa, & Hot Tub Code;
- E.      Uniform Code for the Abatement of Dangerous Buildings,
- F.      Washington State Barrier Free Regulations;
- G.      Washington State Energy Code,
- H.      Washington State Ventilation & Indoor Air Quality Code; and
- I.      Washington State Historic Building Code.

#### **15.84.020      Building Official**

It is the duty of the Building Official to administer and enforce this Chapter. If the Building Official finds that any of the provisions of this Chapter are being violated, the person responsible for such violations must be notified in writing indicating the nature of the violation and ordering the action necessary to correct. The Building Official must order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes to buildings; discontinuance of any illegal work being done; or take any other action necessary to ensure compliance with or to prevent violations of the provisions of this Chapter.

**15.84.030 Building permits**

- A. No building or other structure may be erected, moved, added to, or structurally altered without a permit issued by the Building Official. No building permit may be issued except in conformity with the provisions of this code.
- B. All applications for building permits must be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application must include such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this code.
- C. One copy of the plans will be returned to the applicant by the Building Official after marking such copy approved or disapproved and attest to same by having signed such copy. The second copy of the plans will be retained by the Building Official.
- D. If work described in any building permit has not begun within 120 days from the date of issuance of the permit, the permit will expire. The permit will be canceled by the Building Official, and written notice must be given to the applicant.

**15.84.040 Building permit fees**

Building permit fees will be set by resolution.

**15.84.050 Side sewer permit**

No building permits for primary use structures will be issued without the applicant having first secured a side sewer permit per Section 15.76.110 of this code.

**15.84.060 Only construction in compliance with approved plans authorized**

- A. Building permits issued on the basis of plans and applications approved by the Building Official authorize only the construction set forth in such approved plans and application and no other construction.
- B. Construction different than that authorized will be deemed a violation of this code and punishable as provided by Section 15.02.130 of this code.

**15.84.070 Accessory buildings**

Accessory buildings may not be constructed prior to the commencement of construction of the main building.

**15.84.080 Fences**

Building permits are required for all fence construction six (6) feet and over in height. No fence on a corner lot may interfere with a driver's ability to see at an intersection.

**15.84.090 Retaining walls**

- A. Building permits are required for all retaining walls over three (3) feet in height, measured from the bottom of the footing.
- B. All retaining walls over eight (8) feet in height must be designed by a professional engineer licensed by the State of Washington.

**15.84.100 Signs**

Sign permits are required for sign installations and must comply with the regulations of the Zoning Ordinance.

**15.84.110 Repairs and maintenance**

Nothing in this code prevents the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by any official charged with protecting public safety.

**15.84.120 Inspection of improvements**

Prior to signing off the final inspection, the Building Official will inspect all improvements on or adjacent to the site installed as a requirement of this code or as a condition of permit. Any improvements found to be damaged by the builder must be repaired prior to receiving final inspection sign-off.

### **Chapter 15.86** **FIRE CODE**

**Sections:**

- |           |  |
|-----------|--|
| 15.86.010 | Uniform Fire Code adopted                          |
| 15.86.020 | Applicability                                      |
| 15.86.030 | Fire Marshal approval prior to issuance of permits |
| 15.86.040 | Hydrants to be served by City of Long Beach        |
| 15.86.050 | Hydrant standards                                  |
| 15.86.060 | Piping and flow standards                          |
| 15.86.070 | Plan approval required                             |
| 15.86.080 | Plan review  |
| 15.86.090 | Waiver and modification                            |
| 15.86.100 | Obstruction prohibited                             |

**15.86.010**      **Uniform Fire Code adopted**

The Uniform Fire Code (latest edition) is hereby adopted in its entirety for the purpose of describing regulations governing conditions hazardous to life and property, fire, or explosion.

**15.86.020**      **Applicability**

- |    |   |
|----|---|
| A. | The provisions of this Chapter must apply to all commercial buildings constructed or developed within the City limits, when the buildings will be served by water mains and fire hydrants capable of delivering the required fire flow and installed as required by this Chapter unless specifically exempted by this Chapter, or unless waived or modified by the Fire Marshal pursuant to Section 15.86.090 of this code. |
| B. | Decisions of the Fire Marshal are deemed to be made in the best interest, and with the concurrence, of an affected Fire District in the absence of any credible evidence to the contrary.   |

### **Part V** **Miscellaneous Approvals**

**Chapters:**

- |       |   |
|-------|---|
| 15.90 | Annexation initiated by direct petition |
| 15.92 | Boundary line adjustment                |
| 15.94 | Vacation of public rights-of-way        |

### **Chapter 15.90** **ANNEXATION INITIATED BY DIRECT PETITION**

**Sections:**

- |           |  |
|-----------|--|
| 15.90.010 | Purpose  |
| 15.90.020 | Areas eligible for annexation                  |
| 15.90.030 | Commencement of proceedings                    |
| 15.90.040 | Annexation petition - signers and content      |
| 15.90.050 | Submittal requirements                         |
| 15.90.060 | Procedures for considering annexation petition |
| 15.90.070 | Ordinance to provide for annexation            |
| 15.90.080 | Effective date of annexation                   |

**15.90.010**      **Purpose**

The purpose of this Chapter is to outline the procedures for applying for annexation by direct petition. Annexation is the method used to change the boundary of a City to include land immediately adjacent to it. The petition method of annexation is allowed under Washington State Law (RCW 35.13 and 35A.14).



**15.90.020 Areas eligible for annexation**

Only those areas within Long Beach's urban growth area are eligible for annexation, in accordance with the Growth Management Act (RCW 35A.14.005).

**15.90.030 Commencement of proceedings**

- A. The initiating party or parties must be either not less than ten percent (10%) of the residents of the area to be annexed or the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned.
- B. Before circulating a petition for annexation, the initiating party or parties must notify the City of their intention to commence annexation proceedings by submitting a letter of intent, in person, to the City Administrator. The City Administrator will explain the annexation proceedings and supply to the initiating party(s) a letter of intent form.
- C. The City Administrator will send notification that the letter of intent has been received to the Planning Director, who:
  - 1. verifies the property ownership of the initiating parties and the legal description of the property to be annexed,
  - 2. Prepares a map showing existing jurisdictional boundaries, adjacent rights-of-way, and utilities; and
  - 3. Sends maps, verification and any other documents to the City Administrator no later than ten (10) days after the letter of intent was filed.
- D. The City Administrator will also send notification that the letter of intent has been received to the City Council and schedule and advertise a public meeting with the City Council, to be held no later than sixty (60) days after the letter of intent was filed. The initiating parties must attend this meeting.
- E. The Planning Director must prepare a written report for the City Council, which includes:
  - 1. Information on land use and zoning; and
  - 2. Information on the availability of utilities and services.
- F. In a public meeting the City Council will determine whether the annexation is in the best interest of the City and will decide:
  - 1. Whether the City will accept, reject, or geographically modify the proposed annexation,
  - 2. Whether the City will require the simultaneous adoption of the Comprehensive Plan if such plan has been prepared and filed for the area to be annexed, if applicable; and
  - 3. Whether the City will require the assumption of all or any portion of existing City indebtedness by the area to be annexed. If the City Council requires the assumption of all or of any portion of indebtedness and/or the adoption of a Comprehensive Plan, the City will record this action in its minutes and the petition for annexation will be so drawn as to clearly indicate this fact.
  - 4. There will be no appeal on the decision of the City Council.
- G. If the City Council gives preliminary approval to the annexation the initiator(s) may circulate the annexation petition. The City provides annexation petition forms.
- H. If a rezone is required, the initiating parties must submit a rezone application to the City and proceed through the rezone process, which includes amending the Comprehensive Plan. A SEPA Environmental Checklist must be submitted with the rezone request.

**15.90.040 Annexation petition - signers and content**

- A. A petition for annexation of an area contiguous to the City may be made in writing addressed to and filed with the City Council.
- B. Except where all the property sought to be annexed is property of a school

district, and the school directors file the petition for annexation as authorized in RCW 28A.335.110, the petition must be signed by the owners of not less than seventy-five percent (75%) in value according to the assessed valuation for general taxation of the property for which annexation is petitioned.

- C. The petition must set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with RCW 35.02.170, and must be accompanied by a map which outlines the boundaries of the property sought to be annexed. The zoning designation of the area must be included.
- D. If the City Council has required the assumption of all or of any portion of City indebtedness by the area to be annexed, and/or the adoption of a Comprehensive Plan for the area to be annexed, these facts together with the details of such requirement(s) must be set forth in the petition.

#### **15.90.050 Submittal requirements**

The following information must be submitted to the Clerk-Treasurer:

- A. The signed annexation petition.
- B. If the rezone process was necessary in Subsection 15.90.030(H) above, a SEPA Environmental Checklist and the Determination of Non-significance (DNS) or Environmental Impact Statement (EIS) that resulted must also be submitted.
- C. Application fee.

#### **15.90.060 Procedure for considering annexation petition**

- A. The Clerk-Treasurer will forward the annexation petition to the Planning Director for verification of the legal description, map, and signatures.
- B. The complete annexation packet will be sent to the Planning Director. The completed annexation packet includes:
  - 1. The petition.
  - 2. The map.
  - 3. If a rezone is necessary, the Determination of Non-significance or final Environmental Impact Statement,
  - 4. The minutes of the City Council's public meeting with the property owners at which it was decided whether the annexation was in the best interest of the City (see Subsection 15.90.030 (F) above).
- C. The Planning Director will prepare a report summarizing his/her findings, conclusions, and recommendations regarding the annexation request and forward the report to the City Council.
- D. Upon receiving the Planning Director's report, a public hearing before the City Council will be scheduled and advertised.

#### **15.90.070 Ordinance providing for annexation**

- A. Following the public hearing, the City Council will determine by ordinance whether annexation will be made and make a decision on any zoning requests.
- B. The City Council may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition.
- C. Upon passage of the ordinance, a certified copy will be filed with the Pacific County Board of County Commissioners.

#### **15.90.080 Effective date of annexation**

- A. Upon the date fixed in the ordinance of annexation, the area annexed will become part of the City.
- B. All property within the territory annexed will, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property in the rest of the City is assessed and taxed.
- C. If the annexation petition so provided, all property in the annexed area will be subject to and a part of the Comprehensive Plan as prepared and filed.

### **Chapter 15.92** **BOUNDARY LINE ADJUSTMENT**

**Sections:**

15.92.010	Description
15.92.020	Pre-application conference
15.92.030	Submitting boundary line adjustment application, related materials, and fee
15.92.040	Determination of completeness
15.92.050	Planning Director review and decision
15.92.060	Report of decision
15.92.070	Record boundary line adjustment

**15.92.010 Description**

- A. A boundary line adjustment is a legal method of moving a property line.
- B. The purpose of a boundary line adjustment is to accommodate a minor transfer of land between adjacent legally created lots in order to correct property line or setback encroachments, create better lot design, or improve access, without creating substandard lots or substandard yard or setback areas.
- C. It is *not* the purpose of a boundary line adjustment to create additional building lots.
- D. A boundary line adjustment is exempt from most procedures in Chapter 15.08 of this code, as explained in Subsection 15.08.030(B).
- E. A boundary line adjustment is exempt from SEPA requirements.

**15.92.020 Pre-application conference**

An applicant may request a pre-application conference with the Planning Director prior to filing a boundary line adjustment application to discuss requirements and the review process, in accordance with Section 15.08.040 of this code.

**15.92.030 Submitting boundary line adjustment application, related materials, and fee**

- A. Persons requesting a boundary line adjustment must submit the following to the Planning Director, in accordance with Section 15.08.060 of this code:
  1. A boundary line adjustment application form, provided by the City, accompanied by a scaled map of the properties involved in the boundary line adjustment showing the existing and proposed boundaries;
  2. Title certificates indicating the ownership of the real property parcels which are to be included in the boundary line adjustment request. All persons and entities having a title interest in the property to be adjusted are required to sign all documents relating to the request. The applicant must also provide proof that all past-due property taxes are paid,
  3. An application fee.

**15.92.040 Planning Director review and decision**

- A. The Planning Director will evaluate the boundary line adjustment request in relation to the current Comprehensive Plan and zoning district requirements in making his/her decision.
- B. The decision of the Planning Director must be written and include findings of fact and conclusions to support the decision.

**15.92.050 Record boundary line adjustment**

- A. The applicant must record the boundary line adjustment approval with Pacific County and must transmit a copy to the Pacific County Assessor's office in order for the tax records to be adjusted.
- B. A copy of the approval showing that it has been recorded must be returned to the City of Long Beach. The approval will not be deemed final until the applicant has complied with the requirements of this section.

**15.92.060 Appeals**

The Planning Director has final approval authority on boundary line adjustments. Decisions of the Planning Director may be appealed to the Planning Commission in accordance with Section

**Chapter 15.94**  
**VACATION OF PUBLIC RIGHTS-OF-WAY**

**Sections:**

- 15.94.010      Petition by owners
- 15.94.020      Setting date for hearing
- 15.94.030      Notice of hearing
- 15.94.040      Hearing - Ordinance of vacation
- 15.94.050      Record ordinance
- 15.94.060      Limitations on vacations of streets abutting bodies of water
- 15.94.070      Title to vacated street or alley
- 15.94.080      Vested rights not affected

**15.94.010      Petition by owners**

- A.      The owners of an interest in any real estate abutting upon any street or alley may petition the City Council to make vacation, giving a description of the property to be vacated. The City Council itself may also initiate by resolution a street vacation procedure.
- B.      The petition or resolution must be filed with the City Administrator.

**15.94.020      Setting date for hearing**

If the petition is signed by the owners of more than two-thirds of the property abutting upon the street or alley sought to be vacated, the City Council will by resolution set a date when the petition will be heard and decided upon. The date must be not more than sixty (60) days nor less than twenty (20) days after the date of the passage of such resolution.

**15.94.030      Notice of hearing**

- A.      Upon passage of the resolution the City Administrator must post notice of the petition in three public places in the City and a notice in a conspicuous place on the street or alley sought to be vacated. The notice must contain:
  - 1.      A statement that a petition has been filed to vacate the street or alley described in the notice; and
  - 2.      A statement of the time and place fixed for the hearing of the petition.
- B.      If the proceeding is initiated by resolution of the City Council and not by the property owners abutting the street or alley sought to be vacated, the notice described in Section A above must be mailed to the owners of property abutting upon any street or alley or any part of a street or alley sought to be vacated, as shown on the rolls of the County Treasurer, at least fifteen (15) days before the date fixed for the hearing. Provided, that if fifty percent (50%) of the abutting property owners file written objection to the proposed vacation with the City Administrator, prior to the time of the hearing, the City will not proceed with the resolution.

**15.94.040      Hearing - Ordinance of vacation**

The hearing on the petition must be held by the City Council. If the City Council decides to grant the petition or any part of it, the City Council may by ordinance vacate the street or alley. The ordinance may provide that it will not become effective until the owners of property abutting upon the street or ally so vacated, will compensate the City in an amount which does not exceed one-half the appraised value of the area so vacated, except in the event the subject property was acquired at public expense, compensation may be required in an amount equal to the full appraised value of the vacation: Provided, that the ordinance may provide that the City retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

**15.94.050      Record ordinance**

A certified copy of the ordinance must be recorded by the City Administrator and with the Pacific County Auditor.

**15.94.060      Limitations on vacations of streets abutting bodies of water**

- A. The City may not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:
1. The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses,
  2. The City Council by resolution declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or
  3. The vacation is sought to enable the City to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alley sought to be vacated abut, had the properties included in the plan not been vacated.
- B. Before adopting a resolution vacating a street or alley under Subsection A(2) above, the City must:
1. Compile an inventory of all rights-of-way within the City that abut the same body of water that is abutted by the street or alley sought to be vacated;
  2. Conduct a study to determine if the street or alley to be vacated is suitable for use by the City for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;
  3. Hold a public hearing on the proposed vacation in the manner required by this Chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and
  4. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (2) of this Subsection, and that the vacation is in the public interest.
- C. No vacation will be effective until the fair market value has been paid for the street or alley that is vacated. Money received from the vacation may be used by the City only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

**15.94.070 Title to vacated street or alley**

If any street or alley is vacated by the City Council, the property within the limits so vacated will belong to the abutting property owners, one-half to each.

**15.94.080 Vested rights not affected**

No vested rights are affected by the provisions of this Chapter.